



JOHN ELIAS BALDACCI
GOVERNOR

STATE OF MAINE
DEPARTMENT OF CONSERVATION
MAINE LAND USE REGULATION COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0022

PATRICK K. McGOWAN
COMMISSIONER

PERMIT

BUILDING PERMIT BP 12585

The staff of the Maine Land Use Regulation Commission, after reviewing the application and supporting documents submitted by Susan and Mark Finkin for Building Permit BP 12585, finds the following facts:

1. Applicant: Susan and Mark Finkin
42 Hyde St.
Saratoga Springs, NY 12866
2. Date of Completed Application: August 2, 2004
3. Location of Proposal: Monhegan Island Plantation, Lincoln County
Lot 45 on Plan 09
4. Zoning: (D-RS) Residential Development Subdistrict
5. Lot Size: 0.21 Acres (owned)
6. Principal Building: Existing Permanent Home (20 ft. by 50 ft.)
Proposed Deck (16 ft. by 12 ft.)
7. Accessory Structures: Existing Shed (14 ft. by 6 ft.)
8. Sewage Disposal: Unknown
9. Soil Type: Unknown
10. The applicant's lot is developed with a legally existing pre-Commission 20 foot by 50 foot permanent home constructed in the 1800's, and a 6 foot by 14 foot shed. The permanent home is set back 19 feet from Wharf Hill Road, and 26 feet from the nearest property boundary line.

Proposal

1. The applicant proposes to construct a 12 foot by 16 foot deck onto the permanent home. The proposed deck would be set back 19 feet from Wharf Hill Road, and 24 feet from the nearest property boundary line

Review Criteria

1. Under provisions of Section 10.26,D,1 of the Commission's Land Use Districts and Standards the minimum required setbacks for residential structures are 50 feet from roads, and 15 feet from all other property boundary lines.
2. Under provisions of section 10.11,B,1 of the Commission's Land Use Districts and Standards, permits are required for all expansions, reconstructions, relocations, changes of use, or other development of nonconforming structures, uses and lots, except where specifically provided in this section 10.11. In order to obtain a permit, the applicant must meet the approval criteria in 12 M.R.S.A. Section 685-B(4) and demonstrate that the project will not adversely affect surrounding uses and resources and that there is no increase in the extent of nonconformance, except in instances where a road setback is waived by the Commission in order to increase the extent of conformance with a waterbody setback.
3. The facts are otherwise as represented in Building Permit Application BP 12585 and supporting documents.

Based upon the above Findings, the staff concludes that:

1. The proposed addition would be in compliance with Section 10.11,B,1 of the Commission's Land Use Districts and Standards in that the proposed addition would meet the approval criteria under 12 M.R.S.A. Section 685-B(4), would not adversely affect surrounding uses and resources, and would not increase the extent of nonconformance of the existing permanent home.
2. The proposed development complies with Sub-Chapter III of the Commission's Land Use Districts and Standards of the Commission's Land Use Districts and Standards.
3. The facts are otherwise as represented in Building Permit Application BP 12498 and supporting documents.

Based upon the above Findings, the staff concludes that if carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, Section 685-B(4) of the Commission's Statutes, 12 M.R.S.A.

Therefore, the staff approves the application of Susan and Mark Finkin with the following conditions:

1. Construction activities authorized in this permit must be substantially started within 2 years of the effective date of this permit and substantially completed within 5 years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.
2. All authorized structures must be set back a minimum of 19 feet from Wharf Hill Road and 15 feet from other property boundary lines.
3. Clearing and construction activities, except those necessary to establish sedimentation control devices, shall not begin until all erosion and sedimentation control devices (including ditches, culverts, sediment traps,

settling basins, hay bales, silt fences, etc.) have been installed and stabilized. Once in place, such devices shall be maintained to ensure proper functioning. All temporary sedimentation and erosion control devices shall be removed after construction activity has ceased and a cover of healthy vegetation has established itself or other appropriate permanent control measures have been effectively implemented. Permanent soil stabilization shall be completed within one week of inactivity or completion of construction.

4. Once construction is complete, the permittees shall submit a self-certification form, notifying the Commission that all conditions of approval of this permit have been met. The permittees shall submit all information requested by the Commission demonstrating compliance with the terms of this permit.
5. The scenic character and healthful condition of the area covered under this permit must be maintained. The area must be kept free of litter, trash, junk cars and other vehicles, and any other materials that may constitute a hazardous or nuisance condition.

This permit is approved upon the proposal as set forth in the application and supporting documents, except as modified in the above stated conditions, and remains valid only if the permittees comply with all of these conditions. Any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Regulation Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT AUGUSTA, MAINE, THIS 30th DAY OF NOVEMBER, 2004.

By: 
For Catherine M. Carroll, Director